IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WA.No. 1374 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.36655/2003 Dated 24/11/2006
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APPELLANT: PETITIONER

USHA KALATHIL, U.D.CLERK,
DIRECTORATE OF SPORTS AND YOUTH AFFAIRS,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
SRI.N.P.PRAJEESH

RESPONDENTS: RESPONDENTS
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1. BEENAKUMARI.S.,
JUNIOR SUPERINTENDENT, DIRECORATE OF SPORTS AND YOUTH AFFAIRS, VELLAYAMBALAM, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
SPORTS AND YOUTH AFFAIRS,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
GENERAL EDUCATION (S & Y.A) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA
SRI.P.N.MOHANAN
SRI.ANILKUMAR T.P., SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.A. NO. 1374 OF 2007
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Dated this the 18th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

Learned Single Judge rightly declined relief to the petitioner since the petitioner has failed to challenge Ext.R1(b) order. R1(b) order is dated 29/7/93, which would indicate that the petitioner and the 2nd respondent were absorbed in regular vacancies in which the 1st respondent was absorbed w.e.f. 16/10/1990, while the writ petitioner was absorbed only in 28/4/1992.

In the circumstances, we find no infirmity in granting the seniority to the 1st respondent above the petitioner. Learned Single Judge therefore rightly declined the relief. Appeal therefore lacks merits. Dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp